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THE PRESIDENT AND CONGRESS.

A HINT TO THE SOUTH.

A WARNING TO THE NORTH.

BY
SAMUEL B. SCHEFFELIN.



New-York :
JOHN A. GRAY & GREEN, PRINTERS, 16 & 18 JACOB STREET.

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[Reprinted from the New-York Times, Nov. 14, 1866.]

THE PRESIDENT AND CONGRESS.

TO THE EDITOR OF THE NEW-YORK TIMES:

IN the election which has just been held for members of Congress, many persons were deprived of an opportunity of fairly and fully expressing through the ballot-box their views of the questions at issue between the President and Congress. The only choice left them was to decide between a radical Republican, who had supported the Government in putting down the rebellion, and a Democrat, who was considered as having done all in his power to prevent the Government from doing so. There was no alternative but to vote for the Radical, although opposed to his extreme radical views. The persons referred to are not in accord with either of the two great political parties in the land; and are ready to cast their votes with any party that will hold up right principles and offer as candidates men of principle. The time may come when their votes will be desirable and their power felt.

The Democratic party, although again and again defeated, is still a great party. It has had to contend with the odium caused by the knavery, disloyalty, and repeated folly of many of its leaders. Prior to the rebellion they sacrificed every thing honorable to retain power and gather what they call spoils; during the rebellion they were disloyal, giving every encouragement to the rebellion, and throwing every obstacle they could in the way of the Government while it was endeavoring to suppress it. They showed both disloyalty and folly in their Chicago Platform, and they are now foolish enough to propose from time to time as candidates for office many persons whose antecedents are such that no honest patriot can conscientiously vote for them. Had they associated a War Democrat with McClellan, and not been guilty of the wickedness and folly of the Chicago Platform, they would have been now, probably,

the rulers of the country. They came very near succeeding as it was. While the Democratic party show the same spirit, it is to be hoped that it will be continually defeated, until its old leaders disappear, with the leaders of the rebellion, entirely from public view, or the party be entirely broken up. It is, however, yet a great party, controlling so great a number of votes that a change of a very small portion of the whole number of voters will bring it again into power. Judging from the past, there is every probability that this will sooner or later happen. There is not only, therefore, danger that the Union party will lose its power, but, what is more to be feared, many of its most important acts will probably be repealed, and even the Amendments to the Constitution, though apparently adopted by a sufficient number of States, will be annulled as having been unconstitutionally passed.

The Republican party is also guilty of a series of blunders. It first obtained power through the divisions in the Democratic party, which united would have retained its supremacy. The Republican party was enabled to retain power by its loyalty and by adopting the name of the Union Party—a name which it fairly earned, and which it now appears to be casting aside, and to which, if they do not retrace their steps, they are no longer entitled. They show folly in allowing many men to be prominent among them who were well known as being ready to break up the Union before the rebellion commenced, and who assisted in planting the seeds of it. They made a mistake, relying upon their present possession of power, in acting in such a way as to drive the conservative men among them to join any other party which may hold up right principles and nominate proper men for office. They are making a great blunder in abusing the Southern people and treating them as conquered enemies, instead of welcoming them back as brethren, thus provoking their ill-will instead of winning their confidence and their future support for the Republican party. The Southern people should be treated not as hardened criminals, but as having been wrongly educated, misinformed, and misled. They fought with a desperation which proved their sincerity, and with an energy which none but Americans could have shown, and which, in a better cause,

would have been worthy of all commendation. Their loss of property, of their cherished institution, and of many of their choicest men—their failure, defeat, and submission, should be considered enough. That many of them should feel disappointed, and even have some worse feeling, is not strange. They would not be men if they had them not, neither would we respect them if they showed themselves to be without feeling, and should act as whipped dogs. We want them restored as men and as brethren, not as slaves.

The Republican members of Congress have made a great mistake in quarreling with the President, and in allowing their leaders publicly to abuse him ; in treating him as an enemy, instead of by due courtesy and by some concessions securing his coöperation in carrying into effect some of those great measures for the public good which they both have at heart. The President is as anxious as the Congress is to secure the payment of the national debt, and to prevent the assumption of the rebel debt ; to prevent the leading rebels from getting again into power ; to promote the welfare and the elevation of the freedmen ; and to secure an equal and impartial suffrage throughout the Union. The difference between the President and Congress is not so much in the object each has in view ; in fact, it may be said that they both have the same ends in view, *but they differ in the steps to be taken to secure those ends.* There is no reason that, because the President desires to accomplish these results in a different way from Congress, and in a way which he thinks is according to the Constitution, and therefore more likely to remain in force, he should be called a “traitor, perjured,” etc. They who call him so lay themselves open to the charge of being thoughtless, or something worse. There are few men who have proved their love for the Union as he has done, and none who have risked more in showing it. He is entitled by the Constitution to have, to express, and to continue to hold his own views, although they may differ from those of the Congress. According to the Constitution :

“Every bill, every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before it

becomes a law, or shall take effect, shall be approved by him. If he approve, he shall sign it ; but if not, he shall return it, with his objections, to that House in which it shall have originated, which shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill or resolution, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law."

The Congress, therefore, not only is not the Government, but a mere majority of Congress is not even the law-making power. The President has a voice in the making of the laws and in proposed changes of the Constitution more than equal to a majority of the Congress. His veto can only be overbalanced by the combination of the votes of two thirds of each House. The provision of the Constitution giving this independent power to the Executive, like that giving a lengthened term of office to the members of the Senate, is a wise one. To talk of impeaching the President for using that power is revolutionary.

When Mr. Johnson entered upon his duties as President, his wise and conciliatory course with the South, and his endeavors to restore and preserve the Union, won the admiration of all parties. He has not deviated from the course in which he started, nor from the platform upon which he was elected, nor from the expressed views of Mr. Lincoln, nor from the declarative resolutions of Congress during the war. He made a mistake in the manner and matter of some of his speeches during his western tour, but some allowance may be made for them, considering the habits of a western stump speaker and the provocations he had received. He has also made a mistake in appointing some, who were considered sympathizers with the rebellion, to office, displacing Union men. This may have occurred through ignorance, or for the purpose of more speedily having the Southern States acknowledged as being in the Union, as States, with their constitutional rights, which appears to be the object he has in view as foremost in importance. To accomplish this—the great end of the war—he has acted not for a party, for he has ignored all parties, but as the Presi-

dent of the United States, using the power committed to him by the Constitution.

The greatest blunder committed by the Republican party is the matter about which the President and Congress are at issue; that is, the admission of the Representatives of the Southern States into Congress—a blunder which, if persisted in, will endanger all their acts. The Constitution says, “The House of Representatives shall be composed of members chosen every second year by the people of the several States.” “Representatives and direct taxes shall be apportioned among the several States which may be included within this Union.” The folly is in denying the Southern States the right of representation as States, while Congress has the power of rejecting the individuals sent. “Each House shall be the judge of the elections, returns, and qualifications of its own members.” They certainly are not compelled to admit any person known to be guilty of infamous crime, or perjury, or of treason against the Government. The Republican party has so large a majority in Congress that, for some time to come, they need not fear any opposition that can be gathered against them. There is, however, much reason to fear that, through their own imprudence and blunders, much of the good that they have done, and much that they hope to do, will be lost to the country. Even their amendments to the Constitution will, with all probability, be annulled by some future Congress, or some future Supreme Court, as having been adopted in a fraudulent or unconstitutional manner. The following action of the State of Oregon may serve as a warning :

“SAN FRANCISCO, Oct. 7.

“A dispatch from Salem, Oregon, states that in the House of Assembly yesterday, Mr. Humason offered a series of resolutions declaring that the action of the House in ratifying the Constitutional Amendment before the admission of the members of Grant County to their seats, was fraudulent; and by the aid of one Union member the resolutions were adopted by the following vote: Yeas, 24; nays, 23. The Secretary of State was then requested to transmit a copy of the resolutions to Secretary Seward.”

What has thus been done by one State may be done, for the same or for other reasons, by others; and will almost certainly be done by some future Congress, if they think any thing can be gained by it. Why should the Republican party run this risk? There is no reason for their building such important structures as they are doing on a foundation of sand. They should see that the foundations are such, that no opposing tide can ever shake them. The party were enabled to suppress the rebellion with the battle-cry, "The Union must be preserved. No State has a right to go out of it." They have already, in various ways, acknowledged the right of the Southern States to act as States. They are now inviting them to act as States on the proposed Constitutional Amendments. Let them at once have their rights, as States, to be represented in Congress, while using due caution in the admission of those who may be sent, as individuals. The party has so large a majority in the Congress and controls so many State Legislatures that they can act generously without danger, and they will gain much if they can secure the confidence and good will of the Southern people. These can only be gained by showing confidence and good will toward them. The rights of the Southern States to representation being duly acknowledged, constitutional questions in regard to the Acts of Congress would be avoided, the misunderstanding between the President and Congress could be easily removed, and the good will of the Executive would again be found serviceable.

S. B. S.

NEW-YORK, November 14, 1866.

A HINT TO THE SOUTH.

THE Southern States have now an opportunity which they should take advantage of without delay. They have the power to save themselves from a future danger and evil, and to put themselves in a position which the Northern States have lost and can never regain. By amending their own State Constitutions they may escape having universal suffrage forced upon them through an amendment to the Constitution of the United States. The comfort of their homes, by keeping the control of the local offices, so as to insure their being filled by honest men, is of far more importance than the having a few more representatives in Congress, or even being represented there at all. The dangers and evils connected with universal suffrage in communities not fitted for it are being developed as our population increases, and are growing with its growth. Our cities show this very plainly. What else can be expected from universal suffrage in places where more than half the people herd in tenement-houses, where a great portion of the inhabitants are the dregs of society, and where this class controls the election of office-holders, school superintendents, and even of the judiciary? No wonder that an organized ring has ruled and plundered the City of New-York until it has become necessary for the State to take it under its protection. As the population of the country increases, this evil will be extending; large cities will be springing up, gathering into them the depraved and the vile, who will obtain the rule and will plunder the inhabitants. There is danger that in time the masses of that class in the cities, led by designing men, will not only govern the cities, but will outvote and govern the State. This will probably soon be the case in the State of New-York.

The Southern States should, therefore, while they have the opportunity, secure for themselves *a limited and impartial suffrage without regard to color*. They may thus avoid having forced upon them universal suffrage, which is a curse to any community, whether white or black, until fitted for it. No community is fit for universal suffrage until both the head and the heart of the masses have received a Christian education, and are controlled and guided by it. Until thus fitted the privilege of suffrage should be connected with some other qualification.

S. B. S.

[Reprinted from the *New-York Times*, January 29, 1867.]

A WARNING TO THE NORTH.

TO THE EDITOR OF THE NEW-YORK TIMES:

THE House of Representatives has taken one step in the programme which its leaders have for some time been threatening. Those threats hitherto were, by many, considered the mere bluster of a few noisy demagogues. The large vote given for the reference of the impeachment resolution may mean no more than to give those who have been so loudly calling for the impeachment of the President an opportunity of finding out whether there are any grounds for such action; or it may be a token of the disposition of those who voted for it, that, like sheep, they intend to follow their leaders, and carry it into effect, if possible, whether right or wrong.

Thus far capital has not shown that it has much faith in the utterances of those most prominent in Congress; otherwise gold would be rising very fast, and people would be preparing for a tornado.

The programme of those who are attempting to overthrow the Government and usurp all power, appears to be to keep out the representatives of the Southern States or to dissolve those States, to depose the President, to change the Supreme Court, and to control the next Presidential election. This, in fact, is a covert rebellion, and an attempt at a revolution. They have already assumed that a majority in Congress is the Government. The following article from the *London Times* on the subject is suggestive:

“It would, perhaps, be premature to say that the Government of the United States is about to undergo a complete change; but the more we hear of the proceedings of the current session of Congress, the more apparent is it that elements are at work which must speedily transform the Constitution, unless their action is checked by the national opinion. The Republican party, flushed with victory and overwhelming in strength, hurries on to its ends without listening to a word of remonstrance. It is for a time the uncontrolled and uncontrollable master of the situation. The minority, which passes

for an opposition in the Senate and House of Representatives, is literally silenced. The power of the President is gone.

"The present Congress may not have time to complete its plans, but enough has been done to show the essential character of the changes the majority desire. The Legislative has conquered the Executive Department of the Government, and would now proceed to absorb all other power throughout the country. It is not difficult to see that a collision between Congress and some of the Middle States is the thing to be next apprehended. The policy of the Republican party in dealing with the conquered South must be supplemented by constitutional changes in the States still in the Union, and it is certain that these changes will not be accepted without an opposition which must first be crushed by enlarging the sphere of Congress. One of the great—perhaps we should say the great—questions in relation to the South is that of the suffrage.

"Congress has shown its temper by a suffrage bill for the District of Columbia. In this peculiar District—specially subject to the National Legislature—negroes will, after the present session, be admitted to vote like the other inhabitants. The next step will be the application of the same law to the Northern States.

"The threatened interference of Congress with the qualification of voters in every State, will, if effected, be an essential alteration of the character of the Federation and the first instance of the aggrandizement of the central authority by the removal of the checks which were designed to limit its power.

"The tendency of Congress to encroach on the functions of the separate States is a sequel to its absorption of the Presidential power, and is in complete agreement with the conduct of the majority toward the minority within itself. The caucus has always been a great institution at Washington, but never hitherto has its power been any thing like what it is this session. The 'Caucus' is King. It supersedes discussion in House and Senate. In this conclave of the dominant party the measures are hatched which are then brought to light in the Legislature, and hurried through without debate.

"In observing the change which American institutions are

suffering, it must be observed that we pass no opinion on the immediate objects of the dominant party in Congress. The views of the Republicans may be absolutely unexceptionable, but the means by which they endeavor to attain them appear to be destructive of the schemes of government designed by the authors of the Federation. The Government of the United States at this hour is not a representative government; Congress is not a deliberative body. These are facts of observation, and to insist upon them no more implies a criticism of the Republican policy than to say that the Government of Russia is autocratic involves a condemnation of the Imperial *regime*. But the failure of Congress as a deliberative body, and of the representative institutions of the States, is a fact of the highest importance, and it may be questioned whether any ends can be worth such a cost.

"We have been accustomed to believe free government to be of more value than any perfection of administration, and to think it the peculiar glory of Parliament or Congress that every opinion could find an utterance in it, every class could secure a representative and a hearing. America is in danger of losing, if it has not lost, this inheritance. Its Congress is engrossing power to itself on all sides, and yet it is not Congress that is supreme, but a power behind Congress—secret, irresponsible, almost unknown. The decrees of this self-elected Council, matured in private, are launched upon the Legislature, which accepts them without discussion, and the destinies of the nation are committed to the keeping of a few unseen men, who direct the machine of legislation. To what lengths the transformation of the American Government thus begun may be carried we know not; individual members of Congress are powerless to resist it, and the only hope of arresting its progress lies in a recoil of national opinion such as has landed the Republican party in its present triumphant position."

It is time for thoughtful men to consider what all this is leading to. The war, which was avowedly not against States, but to put down a rebellion in those States, has come to an end. The various proclamations withdrawing martial law, and announcing the reestablishment of peace and

of the power of the civil laws, have restored the Southern States to all the rights which any of the States enjoy under the Constitution. Congress has already, in various ways, acknowledged some of those rights. The amnesty proclamations have restored almost the entire mass of the Southern people to all their rights as citizens with exemption from any pains or penalties on account of the rebellion. The Supreme Court has already confirmed some of these rights which Congress had attempted to interfere with. Instead of inducing the South, by wise and conciliatory action, to unite with the Republican party, the offensive course of that party has driven nearly the whole Southern vote again to join those opposed to it. Together they now form a large majority of the legal voters in the United States. The majority in the present Congress, therefore, is not only acting in defiance of the Constitution in refusing the Southern States the right of representation, and in attempting to assume all the powers of the Government, but it is in reality, while so doing, only a faction representing a minority of the legal voters. The party they represent is not powerful enough to enable them to carry out their measures; by force of arms, as has been boasted. Of this their opponents are aware, and they are beginning to threaten in their turn. A leading Democratic paper, counting the Southern votes with its own, says: "Thus it appears that the opposition to the Republican party could spare voters enough to make an army of nearly half a million of men, and still be equal to their opponents in numbers." "We have not only the President and the Supreme Court on our side, but a large majority of the whole people. If our institutions are to be shaken into chaos and remoulded, the majority possess the right, the power, and, what is more, the *will* to have a hand in the operation. If the Constitution is to be broken down, to make way for the rule of the unrestrained majority, we shall take care that it is the real majority, not a sham one, that controls the destiny of the country."

The unthinking may scoff at such threats, but it would be wiser to avoid giving occasion for them; and also, to consider that the party making them numbers 1,700,000 voters at the North, and counts upon nearly a million more at the South;

that there are great prizes before them, power and plunder; the dispensing of office and the handling of five hundred millions of yearly revenue; and also, that they have heretofore shown themselves unscrupulous in the use of means to gain their ends. The Republican party, with the majorities it has in Congress and in the State Legislatures, has the opportunity and the power to adopt all needed measures for the future welfare of our whole people, and of keeping within constitutional limits while doing so. Why should they risk the carrying of those measures into effect, and all that has been accomplished by the Union Party; and also, the peace of the country, by allowing fanatics and demagogues to lead them beyond the shield of the Constitution? The party having the law on its side, should a struggle come, must conquer. It was that, not mere numbers, which enabled the North to put down the late rebellion.

Should the leaders in Congress carry out the programme they have proposed, there is great danger of another civil war, and one in comparison with which the late war, with all its horrors, will be lost sight of. It will not be a war carried on by one section of the country against another, but it will be a struggle between the members of the same community, and of the same household, divided one against another.

Few consider the danger of trifling with the Constitution, and much more of having it rudely set aside. None can realize the horrors of a state of anarchy without having experienced it. Those living in some of the South-American Republics, so called, with their almost yearly revolutions, know something of it. Some, who were in the City of New-York during the late riot, on the night when the city was in darkness, when the mobs were murdering people in the streets, and were sacking and burning houses without control, had a short taste of it.

The Union party, which put down the rebellion, has disappeared. The echoes of its patriotic appeals, proclamations, and resolutions in Congress are growing fainter and fainter. A new rebellion has been inaugurated, and it should at once be crushed. The Republican leaders had better pause before it be too late. They would have shown far more wisdom

if they had adopted God's plan of reconciling a rebellious world to himself by proclaiming "peace, good will toward men." Love conquers and unites. Their hatred of President Johnson will probably be the means, in connection with his endeavors to guard the Constitution, of making him President again for a second term. The hatred of the Southern people, shown in their speeches and in the most of their attempted acts in Congress, has not only alienated them yet more from the Repub'ican party, but it is tending to destroy the little remaining love they had for the Union, and will make them ready to take advantage of any opportunity that may hereafter offer to break away from it. Sowing discord instead of peace, they have paralyzed the development of the best interests of the country, both North and South. In their attempts to put aside the Constitution or to override it, they are allowing the Democratic party, which came so nigh enabling the South to break up the Union, to reap all the honors of the late Union party for preserving it, by giving that party the opportunity of being now the defenders of the Union and of the Constitution. Every step taken by the Republicans thus far while tolling the death-knell of their party has been hailed with delight by the Democrats as the harbinger of their coming again into power, which, judging from the history of that party for years past, is greatly to be depreected.

Let the faction in Congress take a few more steps in the road they have been pursuing, and it will be the duty of all good citizens, irrespective of party, to form Constitution Leagues to save, if possible, the country from that anarchy which must follow the setting aside of the Constitution. It must be preserved. The peace of the country requires it. The Republican party themselves will probably soon be crying out for its help against the acts of those who will succeed them in power; and what is more, it is the only earthly protection upon which the freedmen can rely for the future security of their newly acquired liberty and rights, which may again be taken from them, should the Republican party give cause for some future Congress to declare all their acts unconstitutional.

The South has already been chastised for tightening the

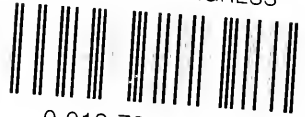
chains, and endeavoring to keep as brutes those who were under its care and control. It may be that the Lord is allowing Congress to go on in its course of folly and madness to bring about another civil war, for the purpose of chastising the North for its sins, and for the hand it had in causing the tightening of the chains of the slave, and in planting some of the seeds of the first rebellion. May his people look to him to save us from another civil war.

S. B. S.

NEW-YORK, Jan. 29, 1867.



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